

## SENATE BILL No. 623

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-7.

**Synopsis:** Regional planning commissions. Provides that Lake County constitutes a region for purposes of establishing a regional plan commission. Specifies that the county commissioners of Lake County are the members of the Lake County regional plan commission.

**Effective:** July 1, 1999.

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January 22, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 623

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-7-7-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) **Except as provided in**  
3 **subsection (b)**, this chapter applies to any area consisting of two (2) or  
4 more counties (referred to as a "region" in this chapter).

5 (b) **A county having a population of more than four hundred**  
6 **thousand (400,000) but less than seven hundred thousand**  
7 **(700,000):**

8 (1) **may not join with another county to establish a**  
9 **commission under this chapter; and**

10 (2) **is considered a region for purposes of this chapter.**

11 SECTION 2. IC 36-7-7-4 IS AMENDED TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) **This section applies to a**  
13 **commission in which a county having a population of more than**  
14 **four hundred thousand (400,000) but less than seven hundred**  
15 **thousand (700,000) does not participate.**

16 (b) The following members of the commission shall be appointed  
17 from each county in the region:

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(1) A representative of the county executive who may be either a member of the executive or a person appointed by it.

(2) A representative of the county fiscal body who must be a member of the fiscal body.

~~(b)~~ (c) The following members of the commission shall be appointed from each county in the region having a population of more than fifty thousand (50,000):

(1) The county surveyor or a person appointed by him.

(2) Two (2) persons appointed by the executive of each municipality having a population of more than fifty thousand (50,000).

(3) Except for a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates, One (1) person appointed by the executive of each of the seven (7) largest municipalities having a population of less than fifty thousand (50,000). If there are fewer than seven (7) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subdivision to seven (7).

~~(4) For a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates, the membership is as follows:~~

~~(A) For a county having a population of not more than four hundred thousand (400,000); one (1) person appointed by the executive of each of the eight (8) largest municipalities having a population of less than fifty thousand (50,000):~~

~~(B) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); one (1) person appointed by the executive of each city having a population of less than fifty thousand (50,000) and one (1) person appointed by the executive of each of the five (5) towns with the largest population:~~

~~(c)~~ (d) The following members of the commission shall be appointed from each county in the region having a population of less than fifty thousand (50,000):

(1) One (1) person appointed by the executive of each of the five (5) largest municipalities or of each municipality if there are fewer than five (5).

(2) If there are fewer than five (5) municipalities, enough additional persons appointed by the county executive to bring the total appointed under this subsection to five (5).



~~(d)~~ (e) One (1) voting member of the commission shall be appointed by the governor.

~~(e)~~ (f) At least two-thirds (2/3) of the commission members must be elected officials. All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

A member of the commission may also serve as a member of a plan commission in the region.

~~(f)~~ (g) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

~~(g)~~ (h) The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

~~(h)~~ This subsection applies to a commission that does not include members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(i) If a vacancy occurs by resignation or otherwise, the respective appointing authority shall appoint a member for the unexpired term. Members shall be certified annually, and their terms expire on December 31 of each year.

SECTION 3. IC 36-7-7-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4.1. (a) This section applies to a commission in which a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) participates.

~~(b)~~ Each member serves at the pleasure of the appointing authority. The appointing authority shall give written notice to the commission of a change of an appointee and of the effective date of that change.

~~(c)~~ If a vacancy occurs by resignation or otherwise, the appointing authority shall promptly appoint a replacement member.

~~(d)~~ If a member of the commission is absent for more than three (3) consecutive meetings of the full commission, the commission shall notify that member's appointing authority and request the appointing authority to do one (1) of the following:

(1) Replace the member.

(2) Take action to assure the member's conscientious attendance at meetings of the full commission.

~~(b)~~ The three (3) members of the county executive shall serve as the only members of the commission established under this



chapter. A member of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of the member's duties.

SECTION 4. IC 36-7-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. (a) **This section applies to a commission in which a county described in section 1(b) of this chapter does not participate.**

(b) The commission shall elect from among its members an executive board consisting of:

- (1) the four (4) officers of the commission;
- (2) one (1) member of the commission from each county in the region;
- (3) one (1) additional member of the commission from each county in the region having a population of more than fifty thousand (50,000); and
- (4) the nonvoting member of the commission appointed by the governor.

All members shall be elected by a vote of the full membership of the commission.

~~(b)~~ (c) If a vacancy occurs in the executive board, a successor shall be elected from among the members in the same manner as the member whose position has been vacated.

~~(c)~~ (d) The executive board shall conduct the business of the commission, except for:

- (1) the adoption and amendment of bylaws, rules, and procedures for the operation of the commission;
- (2) the election of officers and members of the executive board as provided in this chapter; and
- (3) the adoption of the annual appropriation budget after review by the executive board.

~~(d)~~ (e) The executive board shall meet regularly at least once each month, unless otherwise determined by its members. The executive board shall notify the full membership of the commission of all its meetings with copies of its preliminary or final agendas and shall report all its actions and determinations to the full membership of the commission.

~~(e)~~ (f) A majority of members constitutes a quorum. An action of the executive board is official, however, only if it is authorized by a majority of the board at a regular or properly called special meeting. Any action of the executive board shall be reviewed at the next regular meeting of the commission following the executive board's action, and upon the written request of a member of the commission the action



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1 shall be brought to a vote of the full commission.

2 SECTION 5. IC 36-7-7-6.5 IS ADDED TO THE INDIANA CODE  
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
4 1, 1999]: **Sec. 6.5. (a) This section applies to a commission in which  
5 a county having a population of more than four hundred thousand  
6 (400,000) but less than seven hundred thousand (700,000)  
7 participates.**

8 **(b) A commission to which this section applies does not have an  
9 executive board. In a county described in subsection (a), the  
10 commission has all powers, functions, and duties of an executive  
11 board.**

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